

May \_\_, 2012

Colonel William J. Leady, Commander  
US Army Corps of Engineers, Sacramento District  
1325 J Street  
Sacramento, California 95814

Dear Colonel Leady:

The Department of Water Resources (DWR) has enclosed, for your review and concurrence, statements of basic and overall project purpose that have been developed pursuant to Section 404(b)(1) of the Clean Water Act (CWA) regarding the implementation of Conservation Measure 1 *Water Operations and Conveyance Infrastructure* of the Bay Delta Conservation Plan (BDCP). The basic and overall project purpose statements for implementation of the BDCP conservation measure were developed in coordination with representatives from the U.S. Army Corps of Engineers (USACE) Regulatory Division in the Sacramento District office.

Implementation of the BDCP will involve multiple actions that will affect "waters of the United States," as regulated under Section 404(b)(1)(CWA). As such, DWR worked with USACE to develop an approach to ensuring proper, efficient, and timely compliance with the CWA. This approach recognizes that each conservation measure implementation project is a component of the BDCP, thus "the overall purpose statement for each of these individual projects will be consistent with the BDCP so that the range of alternatives analyzed under 404(b)(1) would be limited to only those which would be within the scope of activities and operations authorized by the finalized BDCP" (*draft letter received April 12, 2012*). The attached basic and overall project purpose statements have been developed consistent with that approach.

Upon receiving concurrence from USACE on the basic and overall project purpose statements, DWR will work with the Sacramento District on the development of an alternatives analysis to determine that the project as implemented is the "least environmentally damaging practicable alternative," as required under Section 404(b)(1). We will also continue to work with USACE to ensure that the implementation of the BDCP is consistent with the requirements of Sections 10 and 14 of the Rivers and Harbor Act.

DWR appreciates USACE's efforts in development of the basic and overall project purpose statements for implementation of Conservation Measure 1 of the BDCP and we appreciate your prompt attention to this matter. If you have any questions or comments please feel free to contact me at (916) 653-7007, or Cassandra Enos, Environmental Program Manager, at (916) 651-2987.

Sincerely,

Mark W Cowin  
Director

Enclosure

Cassandra Enos: Michelle McGowan BDCP CWA OPP Concurrence Request

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# BAY DELTA CONSERVATION PLAN: CONSERVATION MEASURE 1 - WATER OPERATIONS AND CONVEYANCE

## BASIC AND OVERALL PROJECT PURPOSE STATEMENT PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT

### INTRODUCTION

The Bay Delta Conservation Plan (BDCP) has been designed to achieve the co-equal goals of providing for the conservation and management of aquatic and terrestrial species, including the restoration and enhancement of ecological functions in the Delta, and improving current water supplies and the reliability of delivery of water supplies conveyed through the State Water Project (SWP) and the Central Valley Project (CVP). To accomplish these goals, the BDCP sets out a comprehensive, integrated conservation strategy that involves: 1) substantial modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the addition of new points of diversion in the north Delta and other facilities to convey water around the Delta; 2) operational changes to the SWP and CVP; 3) extensive protection and restoration of physical habitat, including actions to expand the extent and quality of intertidal, floodplain and other aquatic habitats in the Delta and vicinity; and 4) actions to address other stressors that adversely affect covered species. The BDCP will achieve these goals in a manner that meets the requirements of applicable federal and state laws, including the Endangered Species and Clean Water acts, and in accord with the Sacramento-San Joaquin Delta Reform Act of 2009.

### BASIC PURPOSE

The construction and operation of modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the addition of new points of diversion in the north Delta and other facilities to convey water around the Delta, consistent with the Bay Delta Conservation Plan.

### OVERALL PROJECT PURPOSE

The proposed project is the implementation of the Water Operations and Conveyance Conservation Measure (CM1) component of the Bay Delta Conservation Plan (BDCP). The water operations and conveyance conservation measure is designed to provide greater flexibility in balancing the needs of the Sacramento-San Joaquin Delta estuary (Delta) with reliable water supply. Consistent with the BDCP, the project will involve modifications to the State Water Project and Central Valley Project conveyance facilities, including the addition of new points of diversion in the north Delta, and other facilities to convey water around the Delta. These water conveyance measures will align water operations in the Delta to better reflect seasonal flow patterns, reduce the physical impact of a southern Delta diversion point, and protect fish with state of the art fish screens.